
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

CHRISTOPHER P. GRUBBS, #21325-078

versus

UNITED STATES OF AMERICA

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CIVIL ACTION NO. 4:15-CV-512

CRIMINAL ACTION NO. 4:13CR00092-010

ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Judge Don D. Bush, who issued a Report and Recommendation concluding that Movant Christopher P. Grubbs should be granted an out-of-time appeal, in accordance with *United States v. Tapp*, 491 F.3d 263 (5th Cir. 2007). The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is accordingly

ORDERED that Christopher P. Grubbs' Motion to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody (#1) pursuant to 28 U.S.C. § 2255 is **DISMISSED** without prejudice. It is further

ORDERED that the Final Judgment issued in *United States v. Christopher P. Grubbs*, Criminal No. 4:13CR00092-010, is **VACATED** and the Clerk of Court shall re-enter the Final Judgment, as of the date of entry of the Final Judgment in this § 2255 proceeding. It is finally

ORDERED that all other motions not previously ruled on are **DENIED**.

SIGNED at Beaumont, Texas, this 23rd day of May, 2016.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive style with a large, stylized "M" and "C".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE